



Senate

General Assembly

February Session, 2014

File No. 109

Senate Bill No. 156

Senate, March 25, 2014

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE DESECRATION OF PROPERTY LOCATED IN A CEMETERY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-218 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A person is guilty of interference with a cemetery or burial
4 ground when [he] such person, without having authorization [of the]
5 from an individual or entity, in the following order of priority: (1) The
6 owner of the burial lot, [or] (2) the surviving spouse of the deceased,
7 (3) a lineal descendant of the deceased, or [of] (4) the municipality,
8 cemetery association or person or authority responsible for the control
9 or management of the cemetery or burial ground [: (1) Intentionally]
10 (A) intentionally destroys, mutilates, defaces, injures or removes any
11 tomb, monument, gravestone or other structure placed or designed for
12 a memorial of the dead, or any portion or fragment thereof, or any
13 fence, railing, curb or other enclosure for the burial of the dead, in or
14 from any cemetery or burial ground; or [(2)] (B) wantonly or

15 maliciously disturbs the contents of any tomb or grave in any cemetery
16 or burial ground.

17 (b) Interference with a cemetery or burial ground is a class [C
18 felony] A misdemeanor and any person found guilty under this
19 section shall be fined not less than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	53a-218

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill adds to the list of those with permission to authorize a person to desecrate property located in a cemetery and does not result in a fiscal impact. In FY 13 there were three arrests under this statute which resulted in no convictions or fine revenue.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**SB 156*****AN ACT CONCERNING THE DESECRATION OF PROPERTY LOCATED IN A CEMETERY.*****SUMMARY:**

This bill (1) expands the people who may authorize the desecration of property located in a cemetery or burial ground to include the deceased's surviving spouse and (2) prioritizes the order in which a person must seek the authorization.

It also reduces the penalty for interfering with a cemetery or burial ground without authorization from a class C felony to a class A misdemeanor.

EFFECTIVE DATE: October 1, 2014

INTERFERENCE WITH A CEMETERY OR BURIAL GROUND***Authorization***

The bill adds the deceased's surviving spouse to those who may authorize a person to desecrate property located in a cemetery or burial ground. The law already allows the (1) owner of the burial lot; (2) deceased's lineal descendants; or (3) municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground to authorize such activities.

The bill also establishes the following order in which a person must ask for the authorization:

1. the burial lot's owner;
2. the deceased's surviving spouse;

3. the deceased's lineal descendants; or
4. the municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground.

A lineal descendant is a person who has a direct line of relationship to an ancestor (e.g., children, grandchildren, great-grandchildren).

Penalty

By law, a person commits a crime when, without specified authorization, he or she:

1. intentionally destroys, mutilates, defaces, injures, or removes all or part of a tomb, monument, gravestone, or other structure placed or designed for a memorial, or any burial fence, railing, curb, or other enclosure, in or from any cemetery or burial ground or
2. wantonly or maliciously disturbs the contents of any tomb or grave in any cemetery or burial ground.

Under current law, performing these activities without authorization is a class C felony punishable by imprisonment of up to 10 years, a fine from \$ 500 to \$10,000, or both. The bill reduces the penalty to a class A misdemeanor, punishable by imprisonment of up to one year, a fine from \$ 500 to \$2,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/10/2014)